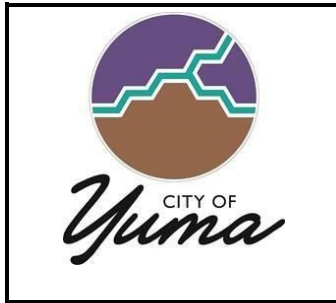


**Notice of Public Hearing of the Planning & Zoning Commission of the City of Yuma**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Planning & Zoning Commission of the City of Yuma and to the general public that the Planning & Zoning Commission will hold a hearing open to the public on February 8, 2021, at 4:30 p.m. at the City Hall Council Chambers, One City Plaza, Yuma, AZ.



**Agenda**

**Planning and Zoning Commission Meeting  
City Hall Council Chambers  
One City Plaza Yuma, AZ  
Monday, February 8, 2021, 4:30 p.m.**

**COVID 19 ADVISORY**

**DUE TO COVID-19 THE CITY HALL COUNCIL CHAMBERS WILL HAVE LIMITED PUBLIC ACCESS.**

Consistent with the March 13, 2020 Arizona Attorney General informal opinion Relating to Arizona's Open Meeting Law and COVID-19, in order to protect the public and reduce the chance of COVID-19 transmission, the meeting of the City of Yuma Planning and Zoning Commission will be conducted remotely through technological means along with limited public, in-person access, consistent with CDC social distancing guidelines.

Due to the very limited capacity available for in-person public access to the Planning and Zoning Commission Meeting, citizens wishing to make public comment regarding any item listed on the agenda are strongly encouraged to provide their comments in written format to email address [planning@yumaaz.gov](mailto:planning@yumaaz.gov) no later than 4:00 p.m. on February 8, 2021. Comments received timely will be entered into the permanent record of the referenced agenda item to be considered by the Planning and Zoning Commission.

**ADHERENCE TO CDC SOCIAL DISTANCING GUIDELINES ARE REQUIRED IN ALL PUBLIC BUILDINGS. THE USE OF FACE COVERINGS ARE REQUIRED IN PUBLIC BUILDINGS WHEN CDC SOCIAL DISTANCING GUIDELINES CANNOT BE ACHIEVED.**

- 
- A. CALL TO ORDER
- B. ELECTION OF OFFICERS – CHAIR AND VICE CHAIR
- C. CONSENT CALENDAR – All items listed under the consent calendar will be approved by one motion. There will be no separate discussion of these items unless the Commission or a member of the audience wishes to speak about an item.
- C.1 APPROVAL OF MINUTES  
January 11, 2021
- C.2 WITHDRAWALS BY APPLICANT – NONE
- C.3 TIME EXTENSIONS – NONE
- C.4 CONTINUANCES – NONE
- C.5 APPROVALS – NONE
- D. ACTION ITEMS-
- D.1 **SUBD-33034-2020:** This is a request by Dahl, Robins & Associates, Inc., on behalf of Perricone Arizona Properties, LLC, for the approval of the final plat for the Terra Bella Unit 2 subdivision. This subdivision will contain approximately 6.92 acres and is proposed to be divided into 25 lots, ranging in size from approximately 9,120 square feet to 12,328 square feet. The property is located at the southwest corner of Avenue 5 ½ E and the 36<sup>th</sup> Street alignment, Yuma, AZ.

D.2 **CUP-32933-2020:** This is a request by Osman Engineering, on behalf of ZAYD LLC, for a Conditional Use Permit to allow a parking lot as a principal use in the Limited Commercial (B-1) District. The property is located near the corner of 23<sup>rd</sup> Street and Avenue A, Yuma, AZ.

E. PUBLIC HEARINGS – NONE

F. INFORMATION ITEMS

F.1 STAFF

F.2 COMMISSION

**F.3 Public** — Members of the public may address the Planning and Zoning Commission on matters that are not listed on the Commission agenda. The Planning & Zoning Commission cannot discuss or take legal action on any matter raised unless it is properly noticed for discussion and legal action. At the conclusion of the call to the public, individual members of the Commission may respond to criticism made by those who have addressed the Commission, may ask staff to review a matter or may ask that a matter be placed on a future agenda. All Planning & Zoning Commission meetings are recorded.

## ADJOURN

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of Yuma does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of Yuma Human Resources Division, One City Plaza, Yuma, AZ 85364; (928) 373-5125 or TTY (928) 373-5149.

*Notice is hereby given, pursuant to the Yuma City Code, Title 15, Chapter 154, Section 02.01, that one or more members of the Planning and Zoning Commission may participate in person or by telephonic, video or internet conferencing. Voting procedures will remain as required by the Yuma City Charter and other applicable laws.*

*The Commission may vote to hold an executive session for the purpose of obtaining legal advice from the Commission's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).*

**Planning and Zoning Commission Meeting Minutes  
January 11, 2021**

A regular meeting of the City of Yuma Planning and Zoning Commission was held on Monday January 11, 2021, at the City of Yuma Council Chambers, One City Plaza, Yuma, Arizona.

**PLANNING AND ZONING COMMISSION MEMBERS** present were Chairman Chris Hamel and Commissioners Gregory Counts, Lorraine Arney and Joshua Scott. Vice Chairman Fred Dammeyer and Commissioners Janice Edgar and Barbara Beam were absent.

**STAFF MEMBERS** present included Scott McCoy, Assistant City Attorney; Alyssa Linville, Assistant Director DCD; Chad Brown, Associate Planner; Amelia Griffin, Associate Planner; Erika Peterson, Assistant Planner and Alex Marquez, Administrative Assistant.

**Chairman Chris Hamel** called the meeting to order at 4:30 p.m. and noted there was a quorum present.

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**CONSENT CALENDAR**

**MINUTES** –December 14, 2020

**WITHDRAWALS BY APPLICANT** – None

**CONTINUANCES** – None

**APPROVALS** – None

**Chairman Hamel** stated that there needed to be a correction on the minutes, that the office of the City Attorney clarified that on page two of the minutes that Title 48 should have been Title 36.

**Motion by Counts, second by Arney, to APPROVE the Consent Calendar, as corrected. Motion carried unanimously, (4-0) with three absent.**

---

**Action Items –**

**CUP-32839-2020:** *This is a request by Dahl, Robins & Associates, on behalf of B & G's Family LTD Partnership, for a Conditional Use Permit to allow a drive-through kiosk, in the Limited Commercial (B-1) District, at the properties located at 1030 W. 24<sup>th</sup> St, units A, B, C, D, and G, Yuma AZ.*

**Chad Brown, Associate Planner**, summarized the staff report and recommended **APPROVAL**.

**QUESTIONS FOR STAFF**

**Hamel** commented that he agreed that the Drive-thru might be busy during certain times of the day. **Hamel** then praised the business for creating a way to continue to be available to the public considering the current economic situation.

**APPLICANT / APPLICANT'S REPRESENTATIVE**

None

**PUBLIC COMMENT**

None

**Motion by Arney, second by Counts, to APPROVE CUP-32839-2020, subject to the Conditions of Approval in Attachment A. Motion carried (4-0) with three absent.**

---

**CUP-32848-2020:** *This is a request by N. Bruce Jacobson, on behalf of Palm Shadows of Yuma, LLC, for a Conditional Use Permit to allow an industrial use within 600' of residential in the in the Light Industrial/Infill Overlay (L-I/O) District. The properties are located at 1100 & 1130 S. Maple Avenue, Yuma, Arizona.*

**Erika Peterson, Assistant Planner**, summarized the staff report and recommended **APPROVAL**, noting that the Applicant had requested to have Condition Six to be modified from one year to two years.

**QUESTIONS FOR STAFF**

**Hamel** asked about the single building on the east side of the property. **Peterson** replied that the building is the largest on the property and will be remaining and used as storage. **Peterson** went on to say that demo permits have been submitted for the office and two other buildings on the property.

**Hamel** then asked to confirm that for Condition Six, regarding the expiration date of the approval, that the Applicant was requesting to extend the date of completion from one year to two years. **Peterson** replied yes.

**Commissioner Counts** commented that he liked that the property was being revitalized. **Hamel** agreed.

**APPLICANT / APPLICANT'S REPRESENTATIVE**

None

**PUBLIC COMMENT**

None

**Motion by Counts, second by Scott to APPROVE CUP-32848-2020 as presented with Condition Six being modified to now read "The conditions listed above shall be completed within two years of the effective date of the approval of the Conditional Use Permit or prior to the issuance of any Building Permit, Certificate of Occupancy or City of Yuma Business License for this property. In the event that the conditions are not completed within the time frame, the Conditional Use Permit shall be null and void." Motion carried unanimously (4-0) with three absent.**

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**SUBD-31702-2020:** *This is a request by Dahl, Robins & Associates, Inc., on behalf of Barkley Limited Partnership, for approval of the preliminary plat for the Livingston Ranch Units No. 3 and 4 Subdivision. This subdivision will contain approximately 65.3 acres, and is proposed to be divided into 176 residential lots, ranging in size from 7,395 square feet to 19,451 square feet. The property is located near the northwest and northeast corner of 36<sup>th</sup> Street and the Avenue B½ alignment, Yuma, AZ. (Continued from November 23, 2020).*

**Alyssa Linville, Assistant Director DCD,** summarized the staff report and recommended **APPROVAL**.

**QUESTIONS FOR STAFF**

None

**APPLICANT / APPLICANT'S REPRESENTATIVE**

None

**PUBLIC COMMENT**

None

**Motion by Arney, second by Scott, to APPROVE SUBD-31702-2020, subject to the Conditions of Approval in Attachment A. Motion carried (4-0) with three absent.**

**INFORMATION**

**ITEMS**

**Staff**

None

**Commission**

None

**Public**

None

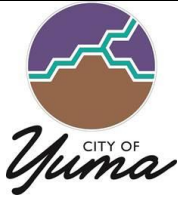
**ADJOURNMENT**

**Hamel** adjourned the meeting at 4:47 p.m.

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Minutes approved this \_\_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Chairman



**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION**  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**  
**COMMUNITY PLANNING DIVISION**  
**CASE TYPE – FINAL SUBDIVISION**  
**CASE PLANNER: CHAD BROWN**

**Hearing Date:** February 8, 2021

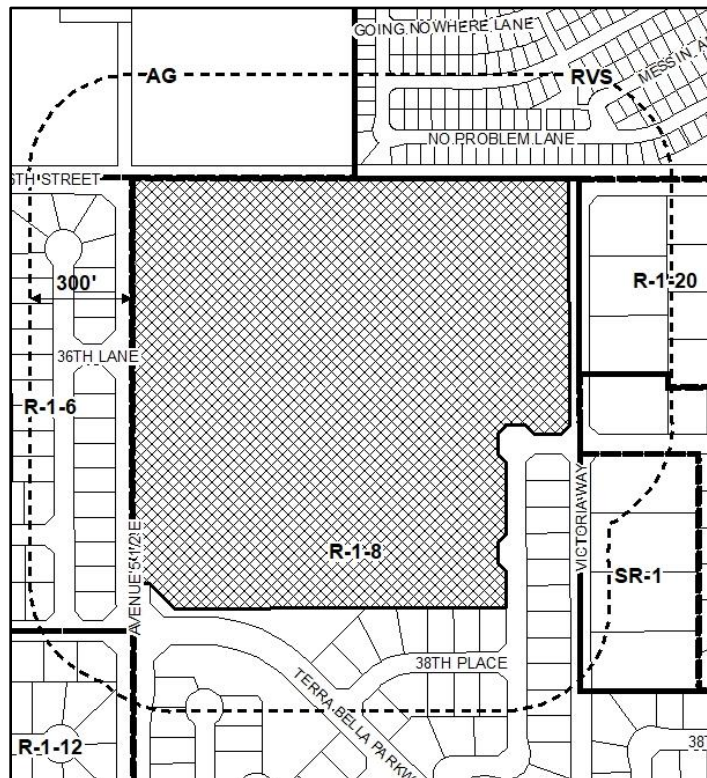
**Case Number:** SUBD-33034-2020

**Project Description/Location:**

This is a request by Dahl, Robins & Associates, Inc., on behalf of Perricone Arizona Properties, LLC, for the approval of the final plat for the Terra Bella Unit 2 subdivision. This subdivision will contain approximately 6.92 acres and is proposed to be divided into 25 lots, ranging in size from approximately 9,120 square feet to 12,328 square feet. The property is located at the southwest corner of Avenue 5 ½ E and the 36<sup>th</sup> Street alignment, Yuma, AZ 85364.

	Existing Zoning	Existing Land Use	Designated Land Use
<b>Site</b>	Low Density Residential (R-1-8)	Undeveloped Land	Low Density Residential
<b>North</b>	Low Density Residential (R-1-8)	Undeveloped Land/Future Terra Bella Units	Low Density Residential
<b>South</b>	Low Density Residential (R-1-8)	Terra Bella No. 1	Low Density Residential
<b>East</b>	Low Density Residential (R-1-20)	Kerley Ranch Unit No. 2	Low Density Residential
<b>West</b>	Low Density Residential (R-1-6)	Tillman Estates No. 2 & 3	Low Density Residential

**Location Map**



**Prior site actions:** Subdivision: O2005-75 (February 13, 2006), Rezones: O2005-60 (Ag to R-1-6; August 17, 2005); O2009-16 (R-1-6 to R-1-8; February 18, 2009).

**Staff Recommendation:** Staff recommends **APPROVAL** of the final plat for the Terra Bella Unit 2, subject to the conditions outlined in Attachment A.

**Suggested Motion:** Move to **APPROVE** Final Plat SUBD-33034-2020 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

**Effect of the Approval:** By approving the final plat, the Planning and Zoning Commission is authorizing the design of Terra Bella Unit 2 for the property located at the southwest corner of Avenue 5 ½ E and the 36<sup>th</sup> Street alignment, subject to the conditions of the rezone, the preliminary plat and the conditions outlined in Attachment A, and affirmatively finds that the request substantially conforms to the approved preliminary plat, is in conformance with the City of Yuma Subdivision Code and General Plan and is compatible with surrounding land uses.

**Staff Analysis:** The subject property was annexed into the City of Yuma on August 7, 1995. The property was then rezoned from Agriculture (AG) to Low Density Residential (R-1-6) in 2005 (Z2005-014), then in 2008 the property was rezoned to Low Density Residential (R-1-8) to "...better reflect actual property use in the area..." (Z2008-020). The subject property is currently undeveloped and is intended to be the second phase of the Terra Bella Subdivision.

The proposed final plat for Terra Bella No. 2 will consist of 25 homes, on 6.916 acres of undeveloped land. Access to this phase of development will come from local streets: Bella Notte Drive, 37<sup>th</sup> Place, and Bella Vista Drive. The proposed 25 homes will meet the land use density requirements of 1-4.9 units per acre.

The lot sizes will range from 9,120 square feet to 12,328.6 square feet, which meets the minimum lot size requirements for Low Density Residential (R-1-8). As discussed in further detail in §154-05.04, the following are some of the main development standards required of development within the Low Density Residential (R-1-8) District:

1. The minimum lot size for R-1-8 is 8,000 square feet.
2. The maximum lot coverage is 35% of the lot area. The first 600 square feet of covered parking shall be permitted in addition to the maximum lot coverage percentage
3. A minimum front yard setback of 20', a minimum side yard setback of 7', a street side setback of 10', and a minimum rear yard setback of 20'.

The Terra Bella Subdivision is surrounded by: Country Roads RV Village to the north, Tillman Estates 2 & 3 to the west, Terra Bella Unit 1 to the south, and Kerley Ranch Unit No. 2 to the east.

With this development Staff will be requiring that a Municipal Improvement District (MID) be established for the maintenance of required subdivision landscaping. The MID will need to be established prior to the issuance of any residential building permits

**1. Does the subdivision comply with the zoning code and the zoning district development standards?**

Yes.

Standard	Subdivision						Conforms			
Lot Size	Minimum:	9,120 s.f.		Maximum:	12,328.6 s.f.		Yes	X	No	
Lot Depth	Minimum:	120 ft.		Maximum:	135.74 ft.		Yes	X	No	
Lot Width/Frontage	Minimum:	61.5 ft.		Maximum:	83 ft.		Yes	X	No	
Setbacks	Front:	20 ft.	Rear:	20 ft.		Side:	7 ft	Yes	X	No
District Size	6.9160	Acres					Yes	X	No	
Density	3.614	Dwelling units per acre					Yes	X	No	
Issues: None										

**2. Does the subdivision comply with the subdivision code requirements?**

Yes.

Requirements	Conforms					
General Principles	Yes	X	No		N/A	
Streets	Conforms					
Circulation	Yes	X	No		N/A	
Arterial Streets	Yes		No		N/A	X
Existing Streets	Yes	X	No		N/A	
Cul-de-sacs	Yes	X	No		N/A	
Half Streets	Yes		No		N/A	X
Stub Streets	Yes		No		N/A	X
Intersections	Yes	X	No		N/A	
Easements	Yes	X	No		N/A	
Dimensional Standards	Yes	X	No		N/A	
Issues: None						
Blocks	Conforms					
Length	Yes	X	No		N/A	
Irregular Shape	Yes		No		N/A	X
Orientation to Arterials	Yes		No		N/A	X
Business or Industrial	Yes		No		N/A	X
Issues: None						
Lots	Conforms					
Minimum Width	Yes	X	No		N/A	
Length and Width Ratio	Yes	X	No		N/A	
Fronting on Arterials	Yes		No		N/A	X
Double Frontage	Yes		No		N/A	X
Side Lot Lines	Yes	X	No		N/A	
Corner Lots	Yes	X	No		N/A	
Building Sites	Yes	X	No		N/A	
Street Frontage	Yes	X	No		N/A	
Issues: None						



### 3. Does the subdivision comply with the elements, plans and policies of the General Plan?

Yes.

<b>Land Use Element:</b>										
Land Use Designation:				Low Density Residential						
Issues:				None						
Historic District:	Brinley Avenue			Century Heights			Main Street		None	X
Historic Buildings on Site:			Yes		No	X				
<b>Transportation Element:</b>										
<b>FACILITY PLANS</b>										
TRANSPORTATION MASTER PLAN		<b>Planned</b>	<b>Existing</b>	<b>Gateway</b>	<b>Scenic</b>	<b>Hazard</b>	<b>Truck</b>			
37 <sup>th</sup> Place – local St		29 FT H/W ROW	0 FT H/W ROW							
Bella Notte Drive – local St		29 FT H/W ROW	0 FT H/W ROW							
Bicycle Facilities Master Plan		N/A								
YCAT Transit System		N/A								
Issues:		None								
<b>Parks, Recreation and Open Space Element:</b>										
Parks and Recreation Facility Plan										
Neighborhood Park:		Existing: Ocotillo Park				Future: Ocotillo Park				
Community Park:		Existing: N/A				Future: South Mesa Community Park				
Linear Park:		Existing: N/A				Future: N/A				
Issues:		None								
<b>Housing Element:</b>										
Special Need Household:		N/A								
Issues:		N/A								
<b>Redevelopment Element:</b>										
Planned Redevelopment Area:		N/A								
Adopted Redevelopment Plan:		North End:			Carver Park:			None:	X	
Conforms:		Yes	X	No						
<b>Conservation, Energy &amp; Environmental Element:</b>										
Impact on Air or Water Resources		Yes		No	X					
Renewable Energy Source		Yes		No	X					
Issues:		None								
<b>Public Services Element:</b>										
<u>Population Impacts</u> Population projection per 2013-2017 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; Water Consumption: 300 gallons per day per person; Wastewater generation: 100 gallons per day per person		<b>Dwellings &amp; Type</b> <i>Single Family</i>		<b>Projected Population</b>	<b>Police Impact</b>	<b>Water Consumption</b>		<b>Wastewater Generation</b>		
		Proposed	Per Unit		Officers	GPD	AF	GPD		
		25	2.8	70	0.13	21,000	23.5	7,000		
Fire Facilities Plan:		Existing: Station I (No. 9)								
Water Facility Plan:		Source:	City	X	Private		Connection		8" PVC	
Sewer Facility Plan:		Treatment:	City	X	Septic		Private		8" PVC	
Issues:		Water and sewer line extensions needed.								



<b>Safety Element:</b>									
Flood Plain Designation:		Flood Zone X		Liquefaction Hazard Area:			Yes	No	X
Issues:		None							
<b>Growth Area Element:</b>									
Growth Area:	Araby Rd & Interstate 8		Arizona Ave & 16 <sup>th</sup> St		Avenue B & 32 <sup>nd</sup> St.				
	North End	Pacific Ave & 8 <sup>th</sup> St	Estancia	None	X				
Issues:									

4. Does the subdivision comply with the conditions of the rezoning?

Yes.

5. Does the subdivision comply with the conditions of the preliminary plat?

Yes.

6. Is the final plat consistent with the preliminary plat that was approved?

Yes.

**External Agency Comments:** See Attachment E.

**Neighborhood Meeting Comments:** No neighborhood meeting was held, due to COVID-19 precautions.

**Proposed conditions delivered to applicant on:** January 26, 2021

**Final staff report delivered to applicant on:** February 8, 2020

#### Attachments

A	B	C	D	E	F	G
Final Plat Conditions of Approval	Final Plat Map	Preliminary Plat Map	Preliminary Plat Conditions	Agency Notifications	Agency Comments	Aerial Photo

**Prepared By:** Chad Brown  
Chad Brown  
Associate Planner

Chad.Brown@yumaaz.gov

**Date:** 2/28/21  
(928)373-5000, x 3038

**Approved By:** Alyssa Linville  
Alyssa Linville,  
Assistant Director Community Development

**Date:** 01/28/2021

**ATTACHMENT A  
FINAL PLAT  
CONDITIONS OF APPROVAL**

The following conditions of approval have been determined to have a reasonable nexus to the requested subdivision application and are roughly proportionate to the impacts associated with the subdivision and expected development on the property.

**Community Development Comments: Alyssa Linville, Assistant Director, Community Development, (928) 373-5000, x 3037:**

1. The conditions are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.

**City Attorney Comments: (928) 373-5058:**

3. The rights-of-way must be dedicated free and clear to the City, and all easements in the right-of-way must be vacated unless the easement is specifically presented to the City, and the City specifically approves its acceptance. Approval of the plat is not approval of an easement in the right-of-way.
4. Any easements on other property in the subdivision must be vacated to the extent that they would require a utility, licensed cable operator, or other licensed or franchised communications system (collectively, the "utilities") to:
  - a. pay to cross the easement to reach any structure on the lot;
  - b. prevent the utilities from providing service to any structure on a lot; or
  - c. effectively prevent any entity authorized to place facilities in a utility easement from using the easements or accessing potential customers passed by the easement.
5. Approval of the plat does not authorize the maintenance or installation of any facility in the rights of way, whether or not contemplated by the plat, without a license, franchise, or similar authorization issued by the City.

**Engineering Comments: Agustin Cruz, Senior Civil Engineer (928)373-5000, x 5182:**

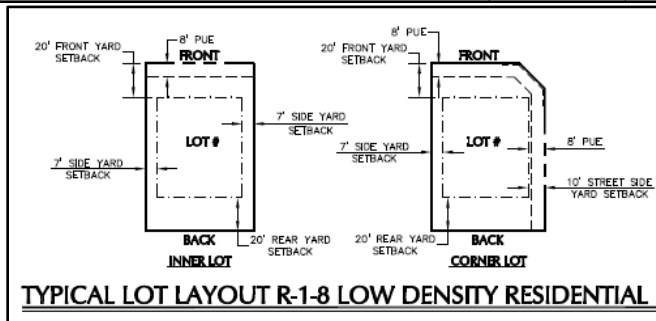
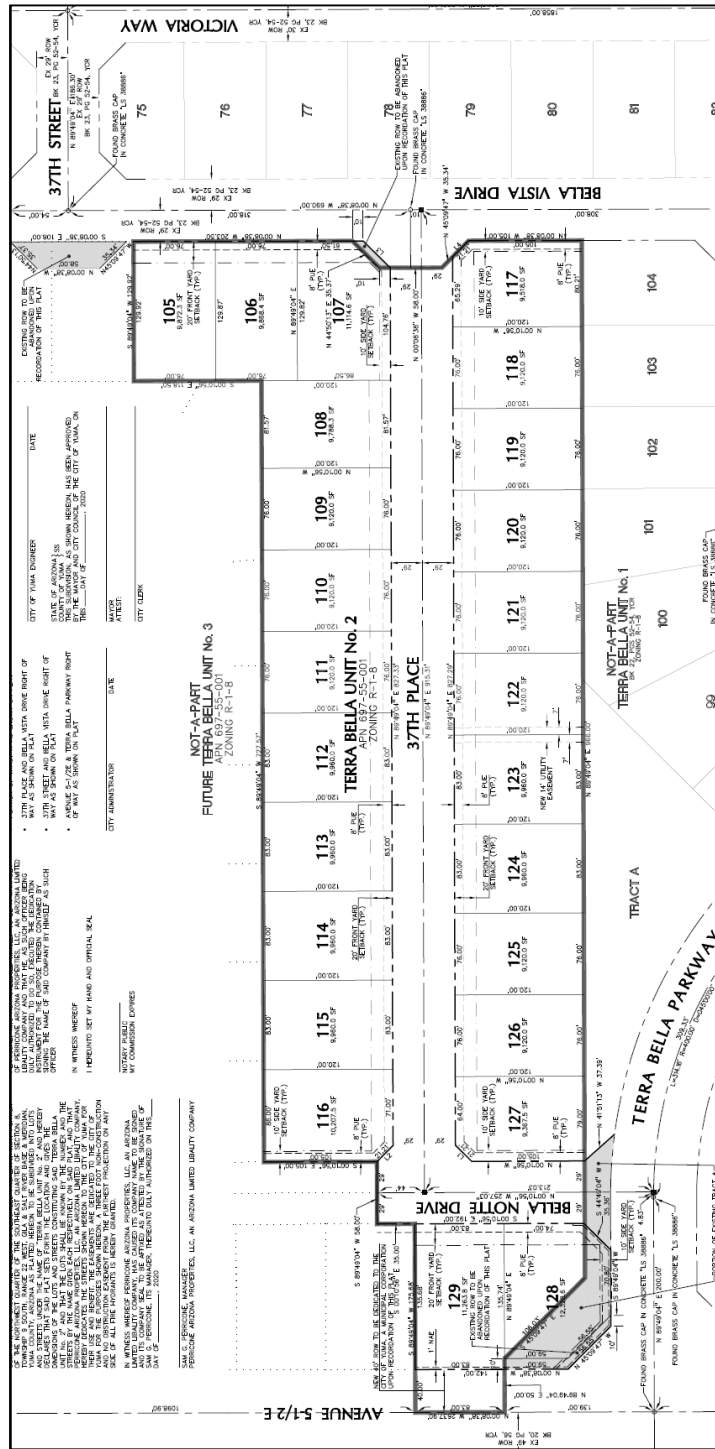
6. The owner/developer shall construct the adjoining east half of Avenue 5½E to City construction standard 2-020 with the development of Phase 2 of this subdivision.
7. The owner/developer may delay the construction of the east half of Avenue 5½E for a period not to exceed 3 years or until constructed with the next adjoining subdivision phase and accepted by City of Yuma, whichever condition is reached first, with the posting of an appropriate developer assurance acceptable to the City of Yuma to cover the construction cost of the Avenue 5½E infrastructure prior to the recordation of the final plat for phase 2.
8. All exterior subdivision fencing shall be constructed of masonry. Access gates, whether vehicular or pedestrian, shall not be permitted along the exterior masonry fencing for the subdivision phase, including fencing along Ave 5 1/2 E. Such fencing can be removed during the construction of pools, in order to access utility or drainage easements, or during other residential construction; however, such masonry fencing and adjacent landscaping will need to be replaced accordingly.

**Community Planning Conditions: Chad Brown, Associate Planner, (928) 373-5000 X 3038**

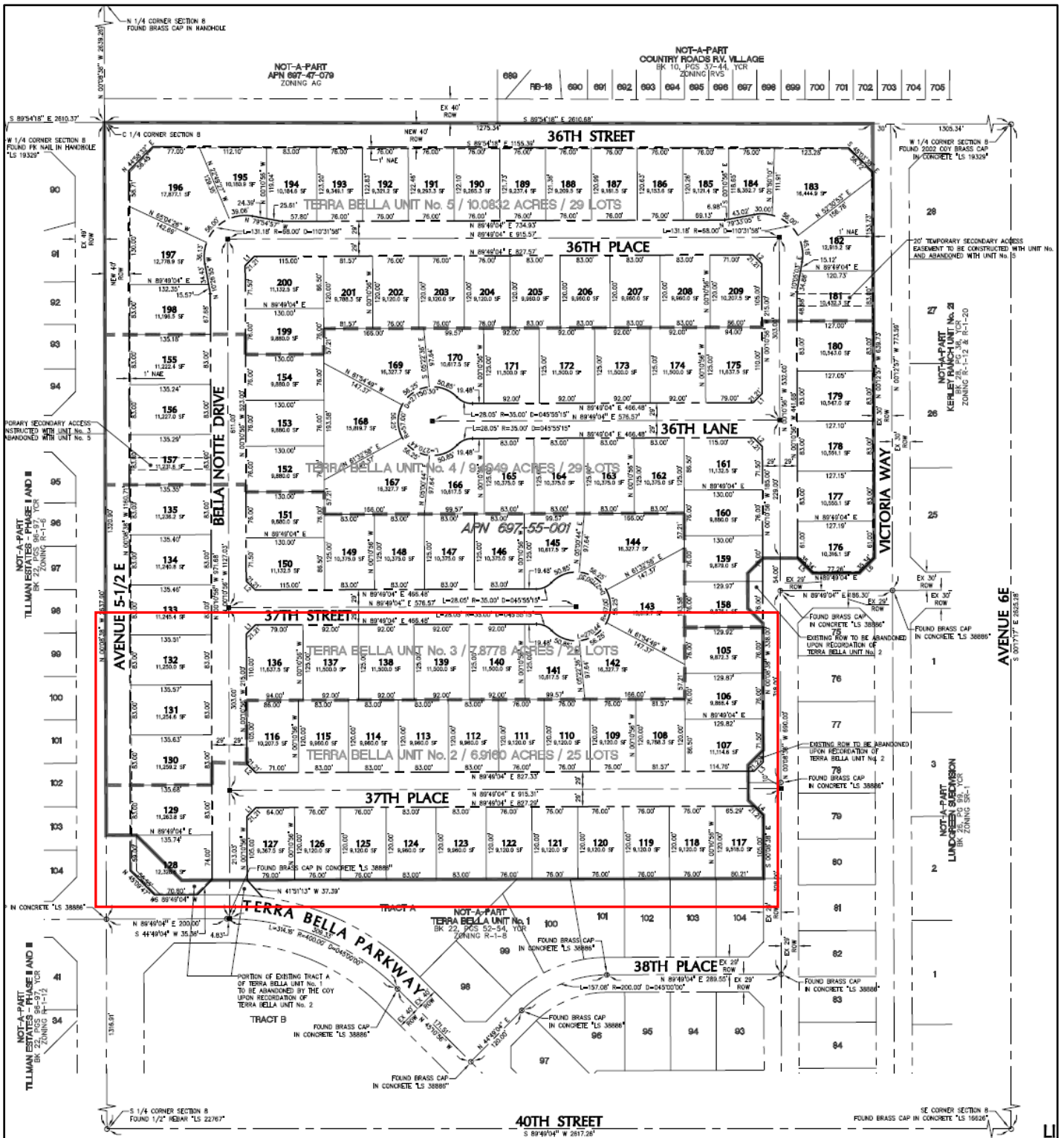
9. A time frame of build-out for the subdivision shall be submitted to the school district to enable the districts to adequately plan for future school facilities.
10. An 8 ½" X 11" paper copy of this subdivision plat, showing the location of the group mailboxes and signed as APPROVED by the local Yuma Postmaster, shall be submitted to the City within sixty (60) calendar days of the effective date of approval of the subdivision final plat and prior to the issuance of any building permit. In the event this condition is not completed within this time frame, the approval of the plat is null and void.
11. The Owner/Developer shall be required to establish a Municipal Improvement District (MID) prior to the recording of a final plat.
12. After the final plat has been approved by City Council, the applicant/developer shall have two years to record the approved plat, or the final plat approval shall be null and void.

**Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.**

# ATTACHMENT B FINAL PLAT MAP



# ATTACHMENT C PRELIMINARY PLAT MAP



THE PRELIMINARY PLAT INCLUDED TERRA BELLA UNITS 2, 3, 4, AND 5. THE RED RECTANGLE ILLUSTRATES THE APPROXIMATE LOCATION OF TERRA BELLA UNIT 2.

**ATTACHMENT D**  
**PRELIMINARY PLAT CONDITIONS**

**Community Development Comments: Alyssa Linville, Assistant Director, Community Development, (928) 373-5000, x 3037:**

1. The conditions are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.

**City Attorney Comments: (928) 373-5058:**

3. The rights-of-way must be dedicated free and clear to the City, and all easements in the right-of-way must be vacated unless the easement is specifically presented to the City, and the City specifically approves its acceptance. Approval of the plat is not approval of an easement in the right-of-way.
4. Any easements on other property in the subdivision must be vacated to the extent that they would require a utility, licensed cable operator, or other licensed or franchised communications system (collectively, the "utilities") to:
  - a. pay to cross the easement to reach any structure on the lot;
  - b. prevent the utilities from providing service to any structure on a lot; or
  - c. effectively prevent any entity authorized to place facilities in a utility easement from using the easements or accessing potential customers passed by the easement.
5. Approval of the plat does not authorize the maintenance or installation of any facility in the rights of way, whether or not contemplated by the plat, without a license, franchise, or similar authorization issued by the City.

**Engineering Comments: Agustin Cruz, Senior Civil Engineer (928)373-5182:**

6. Owner/developer shall dedicate to the City of Yuma the east half of Avenue 5 ½ E as right of way, 40 feet nominal half-width, as required for a collector street as called out in the City of Yuma Transportation Master Plan and in the City construction standards.
7. 36th Street is considered a mid-section collector street. Owner/developer shall dedicate to the City of Yuma the south 40 feet as right-of-way.
8. Owner/developer shall dedicate to the City of Yuma a 1-foot non-access easement along Avenue 5 ½ E, 36th Street, and Victoria Way frontages, except for approved subdivision entrance locations.
9. Owner/developer shall build the east half of Avenue 5 ½ E as a collector street, per City of Yuma Construction Standard 2-020, complete with curb, gutter and sidewalk.
10. Owner/developer shall build the west half of Victoria Way as a local street, per City of Yuma Construction Standard 2-030, complete with curb, gutter and sidewalk.
11. Owner/developer shall dedicate to the City of Yuma, a 1' non-access easement across all corner triangles in conformance with City of Yuma Construction Standard 2-096.
12. In collector streets, owner/developer shall design/build and stripe the roadway so that it includes a bike lane, similar to City of Yuma Construction Standard 2-020.

13. All exterior subdivision fencing shall be constructed of masonry. Access gates, whether vehicular or pedestrian, shall not be permitted along the exterior masonry fencing for the subdivision phase, including fencing along Avenue 5 ½ E, 36th Street and Victoria Way. Such fencing can be removed during the construction of pools, in order to access utility or drainage easements, or during other residential construction; however, such masonry fencing and adjacent landscaping will need to be replaced accordingly.
14. Owner/developer shall call out in the plat the abandonment of portions of Tract A from Terra Bella Unit 1. A signature line on the final plat shall be included for the City of Yuma as owner of Tract A.

**Community Planning Conditions: Chad Brown, Associate Planner, (928) 373-5000 X 3038**

15. The Owner/Developer shall be required to establish a Municipal Improvement District (MID) prior to the recording of a final plat.
16. A time frame of build-out for the subdivision shall be submitted to the Yuma School District to enable the districts to adequately plan for future school facilities.
17. The Owner shall submit a final plat within three (3) year of Preliminary Plat approval. Should a Final Plat not be submitted within three (3) year of the effective date of approval of the Preliminary Plat, the approval of this Preliminary Plat shall be null and void, unless the conditions are contained in an executed Pre-development Agreement.

**Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.**




**ATTACHMENT E**  
**AGENCY NOTIFICATIONS**

- **Legal Ad Published: The Sun** (1/15/21)
- **300' Vicinity Mailing:** (12/21/20)
- **34 Commenting/Reviewing Agencies noticed:**  
(12/24/20)
- **Site Posted on:** (12/30/20)
- **Hearing Date:** (2/8/2021)
- **Comments due:** (1/4/21)


<b>External List (Comments)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Comment"</b>	<b>Written Comments</b>	<b>Comments Attached</b>
Yuma County Airport Authority	YES	12/21/20	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	12/22/20	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	YES	12/21/20		X	X
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Fish and Game	NR				
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	12/21/20	X		
<b>City of Yuma Internal List (Conditions)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Conditions"</b>	<b>Written Conditions</b>	<b>Comments Attached</b>
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	YES	12/22/20	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	12/23/20		X	X
Utilities	NR				
Public Works	NR				
Streets	NR				

**ATTACHMENT F**  
**AGENCY COMMENTS**

Enter conditions here: MCAS Yuma has reviewed the case for APN 697-55-001. The same conditions apply as the Preliminary Plat approval on case SUBD-31708-2020. Thank you for the opportunity to review and comment.

DATE:	23 Dec 2020	NAME:	Antonio Martinez	TITLE:	Community Liaison Specialist
CITY DEPT:	MCAS Yuma				
PHONE:	928-269-2103				
RETURN TO:	Chad Brown				
	Chad.Brown@YumaAZ.gov				

The condition was for an Avigation Easement, however there is already one recorded during the 2005 rezone (Z2005-014, Fee #2007-14448).



Mon 12/21/2020 3:40 PM

Joe Wehrle <Joe.Wehrle@yumacountyaz.gov>


RE: Request for Comments: SUBD-33034-2020

To

Brown, Chad - Associate Planner

Cc

Juarez, Jessenia - Administrative Assistant

 **CAUTION:** External Email

I have a couple of comments and concerns:

1. There should be a statement in the abandonment of the rights of way that the title to the land is being transferred to the adjacent property owner of record, Perricone Arizona Properties LLC. I know there is a statutory provision for this and I would love to have it cited but I cannot find the applicable one for subdivision lands. Perhaps there is something in the City subdivision regs about abandoning right of way to the adjacent owner.
2. This plat modifies the subdivision plat for Terra Bella Unit 1 (Tract A) and I think that there should be mention of it in the title block.
3. The boundary of the new subdivision needs to be on the outside of the abandoned areas with an indication that the old parcel lines are being abandoned upon recordation of this plat.

Comments shared with agent.

**ATTACHMENT G**  
**AERIAL PHOTO**

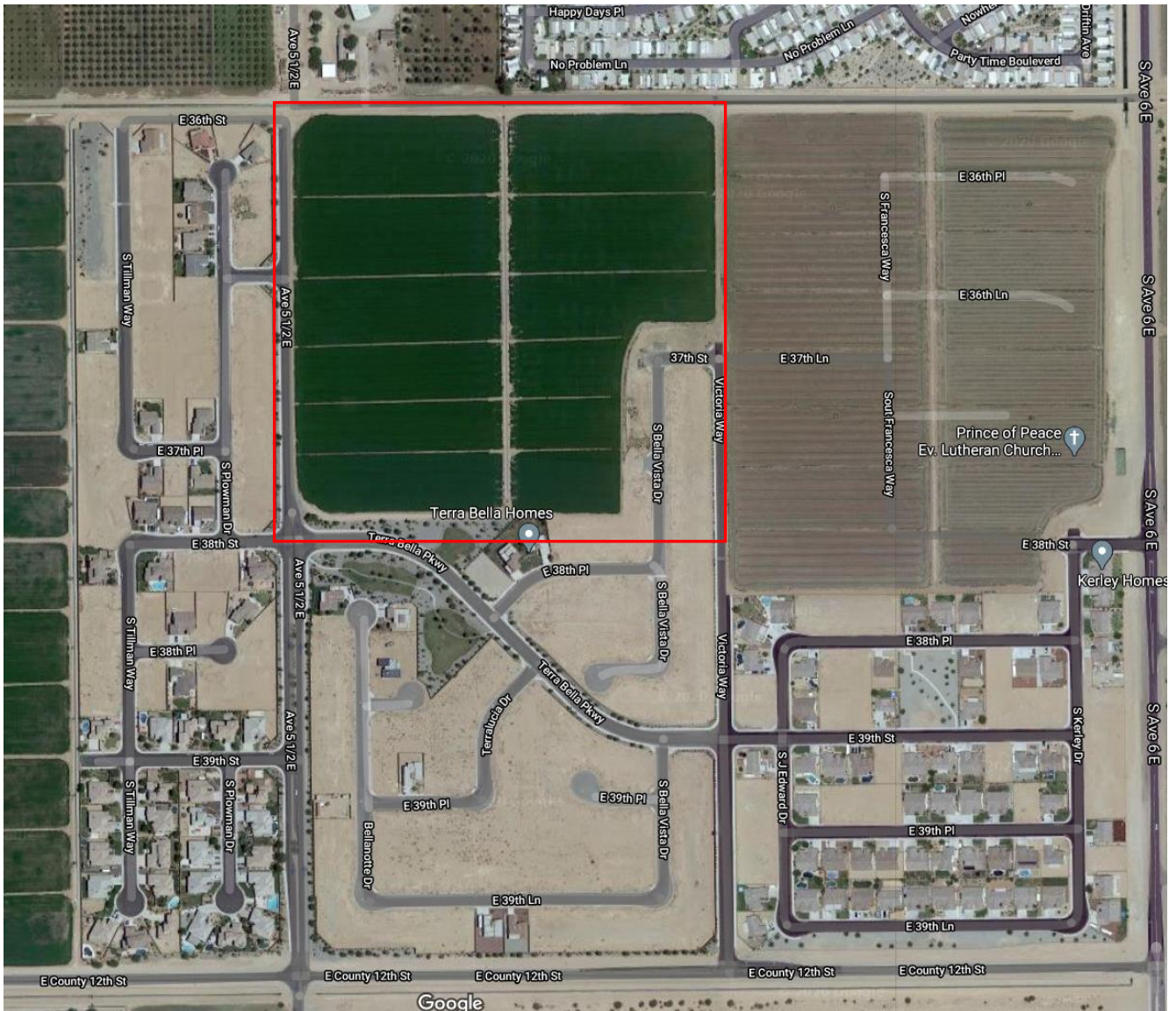
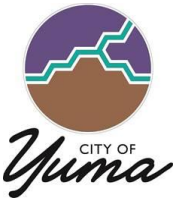


Image: Approximate boundaries of proposed subdivision.



**STAFF REPORT TO THE PLANNING & ZONING COMMISSION**  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**  
**COMMUNITY PLANNING DIVISION**  
**CASE TYPE – CONDITIONAL USE PERMIT**  
**CASE PLANNER: RICHARD MUNGUIA**

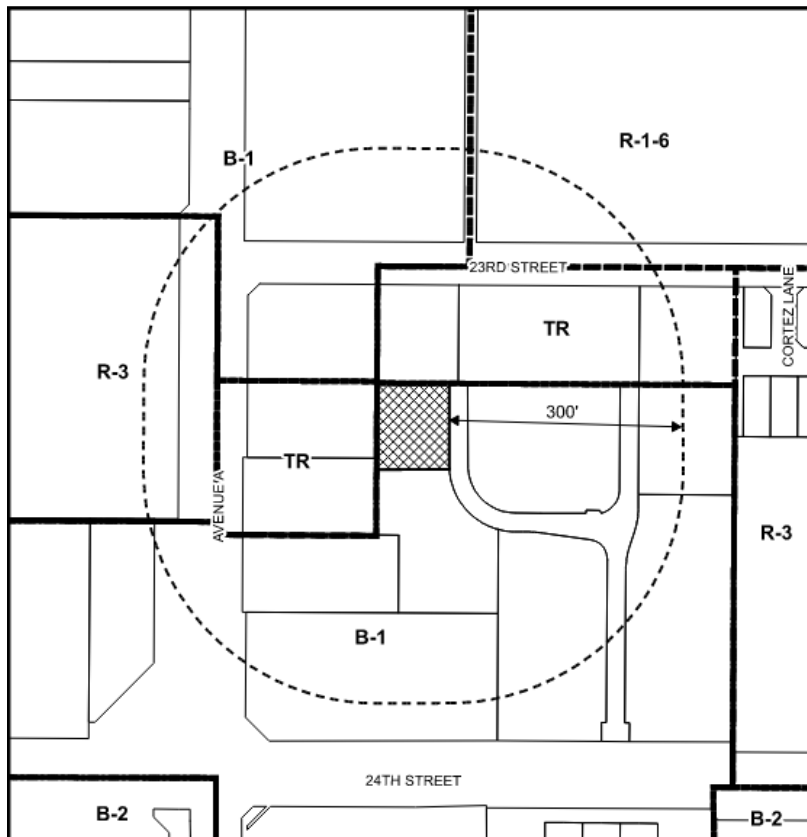
**Hearing Date:** February 8, 2021

**Case Number:** CUP-32933-2020

**Project Description/Location:** This is a request by Osman Engineering, on behalf of ZAYD LLC, for a Conditional Use Permit to allow the a parking lot as a principal use in the Limited Commercial (B-1) District. The property is located near the corner of 23<sup>rd</sup> Street and Avenue A, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
<b>Site</b>	Limited Commercial (B-1)	Undeveloped	Mixed Use
<b>North</b>	Transitional (TR)	Medical Office	Mixed Use
<b>South</b>	Limited Commercial (B-1)	Office	Mixed Use
<b>East</b>	Limited Commercial (B-1)	Private Street	Mixed Use
<b>West</b>	Transitional (TR)	Medical Office	Mixed Use

**Location Map:**



**Prior site actions:** Annexation: July 21, 1956 (Ord. 672); Subdivision: November 13, 1984 (S84-9), January 4, 1989 (S88-4); Rezone: December 3, 1992 (Ord. 2600)

**Staff Recommendation:** Staff recommends **DENIAL** of the Conditional Use Permit to allow a parking lot as a principal use in the Limited Commercial (B-1) District. The property is located near the corner of 23<sup>rd</sup> Street and Avenue A.

**Suggested Motion:** Move to **DENY** Conditional Use Permit CUP-32933-2020 as presented, subject to the staff report and information provided during this hearing.

Or;

Move to **APPROVE** Conditional Use Permit CUP-32933-2020 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

**Effect of the Approval:** By approving the Conditional Use Permit, the Planning and Zoning Commission is authorizing the request by Osman Engineering, on behalf of ZAYD LLC, for a parking lot as a principal use in the Limited Commercial (B-1) District for the property located near the corner of 23<sup>rd</sup> Street and Avenue A, subject to the conditions outlined in Attachment A, and affirmatively finds that the seven Conditional Use Permit criteria set forth in Section 154-03.05(G)(2) of the City of Yuma Zoning Code have been met.

**Effect of Denial:** By denying the Conditional Use Permit, the applicant will be unable to utilize the property as a parking lot to serve the employees and customers for the future building at the northwest corner of Avenue A and 24<sup>th</sup> Street.

**Staff Analysis:** The subject property is located within the 24<sup>th</sup> Street Plaza Subdivision and is adjacent to a private roadway. It was annexed in 1956 and has remained undeveloped since that time. The applicant is proposing to develop the subject property into a parking lot in order to serve a future building at the northwest corner of Avenue A and 24<sup>th</sup> Street.

It is the intent of the applicant to utilize the proposed parking lot as additional parking for both customers and employees for the building under construction at the northwest corner of Avenue A and 24<sup>th</sup> Street. The applicant has provided a site plan identifying 16 employee parking spaces (9' X 19') and 16 customer parking spaces (9.5' x 19'). The provided customer parking space dimensions will limit the uses to non-medical offices only, as all other uses will require 10' X 19' spaces. Per the parking code, non-medical offices require one space per 300 square feet of gross floor area, which limits the total non-medical office space to 4800 square feet based on the 16 customer parking spaces.

The parking code states that off street parking facilities for the proposed offices shall be located not more than 300 feet from the building or use they are required to serve. Although the distance is less than 300 feet from property line to property line, the pedestrian path from the proposed parking lot to the building exceeds 300 feet. In actual usage, customers and employees will have to walk approximately 1,400 feet

each way in order to get from the proposed parking lot to the building it will serve, crossing at Avenue A (a four lane minor arterial) and 24<sup>th</sup> Street (a principal arterial), as the safest path for pedestrians to utilize. Additionally, the distance that pedestrians would be required to walk may cause customers to park on an unapproved location, such as directly to the west of the subject property, and could cause parking congestion.

Finally, City Staff will also have to manage the uses and parking calculations for each tenant prior to approving business licenses. In the event a non-office use (banks, schools, shopping centers, gyms, restaurants/cafes, grocery stores, etc.) applies for a business license and has to utilize the parking spaces at the subject property for required parking, Staff would be unable to approve said licenses based on the dimensions provided in the site plan.

**1. What are the impacts of the proposed conditional use on neighboring properties and what conditions are being proposed to resolve those impacts?**

SPECIFIC IMPACT AREA		ISSUE	CONDITION #
A.	Traffic	None	N/A
B.	Parking	The site will be required to meet development standards for a parking lot	# 5
C.	Lighting	Any altered or added lighting will have to be designed with “dark sky” compatible down lighting with a maximum 3000 kelvin LED Lights.	#1, # 5
D.	Hours of Operation	None	N/A
E.	Indoor/Outdoor Activities	None	N/A
F.	Noise	None	N/A
G.	Air Quality	None	N/A
H.	Hazardous Materials	None	N/A
I.	Crime Prevention (CPTED)	The site will be required to meet development standards for a parking lot	# 5
J.	Other	None	N/A

**2. Does the site plan comply with the requirements of the zoning code?**

Yes. The proposed spaces meet both non-medical office and employee parking space development standards. The sizes provided will limit the use of the parking to only employee spaces and office uses. The parking spaces will be unable to meet development standards for any other uses.

**3. Does the proposed use and site plan comply with Transportation Element requirements?**

Yes. The site is located adjacent to a private street and no additional Transportation Elements are required.

TRANSPORTATION ELEMENT	PLANNED	EXISTING	DIFFERENCE	REQUESTED
N/A – site is located adjacent to a private street.	N/A	N/A	N/A	N/A

**4. Does the proposed conditional use conform to all prior City Council actions for this site?**

Yes.

**5. Can the P&Z Commission answer the following questions affirmatively?**

**(1) Is the Planning and Zoning Commission, or the City Council, authorized under the zoning code to grant the conditional use permit described in the application?**

Yes. The Planning and Zoning Commission has the authority to review and approve this request per section 154-08.03(E)(5), in which a CUP is required for a parking lot as a primary activity.

**(2) Will the establishment, maintenance, and/or operation of the requested conditional use, under the circumstances of the particular case, not be detrimental to the health, safety; peace, morals, comfort, or general welfare of persons residing, or working, in the vicinity or such proposed use, or be detrimental, or injurious, to the value of property in the vicinity, or to the general welfare of the city?**

No. The parking code stipulates that a parking lot located on a separate lot shall not be further than 300 feet from the building or use they are required to serve. In actuality, the distance employees and customers will have to travel will greatly exceed 300 feet. Expecting customers to walk over a quarter of a mile through a private drive, with no sidewalks, could be detrimental to one's safety.

**(3) Are the provisions for ingress, egress, and traffic circulation, and adjacent public streets adequate to meet the needs of the requested conditional use?**

Yes. The site will utilize the private roadway through the subdivision.

**(4) Are the provisions for building(s) and parking facility setbacks adequate to provide a transition from, and protection to, existing and contemplated residential development?**

Yes. There is no residential development nearby that this project would impact.

**(5) Are the height and bulk of the proposed buildings, and structures, compatible with the general character of development in the vicinity of the requested conditional use?**

Yes. There will be no buildings, the proposed use will be a parking lot, and will fit in well within the vicinity.

**(6) Have provisions been made to attenuate noise levels and provide for adequate site, and security lighting?**

Yes. The parking lot will be developed to city code and will be required to meet all development standards for a parking lot.

**(7) Has the site plan for the proposed conditional use, including, but not limited to landscaping, fencing, and screen walls and/or planting, CPTED strategies (Crime Prevention Through Environmental Design), and anti-graffiti strategies been adequately provided to achieve compatibility with adjoining areas?**

Yes. The parking lot will be developed to city standards and will include CPTED strategies.



**External Agency Comments:**

None Received.

**Neighborhood Meeting Comments:**

No Meeting Required.

**Discussions with Applicant/Agent:**December 11, 2020, December 16, 2020,  
December 17, 2020, December 18, 2020,  
December 31, 2020, January 4, 2021,  
January 20, 2021**Proposed conditions delivered to applicant on:**

January 20, 2021

**Final staff report delivered to applicant on:**

January 25, 2021

- |                                     |   |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | Applicant agreed with all of the conditions of approval on: January 20, 2021  |
| <input type="checkbox"/>            | Applicant did not agree with the following conditions of approval:  |
| <input type="checkbox"/>            | If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact. Emailed applicant, awaiting response. |

**ATTACHMENTS:**

A	B	C	D
Conditions of Approval	Site Plan	Agency Notifications	Aerial Photo

**Prepared By:**  
Richard Munguia  
Senior Planner



**Date:** 1/27/2021

Richard.Munguia@YumaAZ.gov (928)373-5000, x1234

**Approved By:**  
Alyssa Linville,  
Assistant Director Community Development



**Date:** 01/27/2021

**ATTACHMENT A**  
**CONDITIONS OF APPROVAL**

The following conditions of approval are roughly proportionate to the impacts associated with the conditional use and expected development on the property.

**Community Development Comments: Alyssa Linville, Assistant Director,  
Community Development, (928) 373-5000, x 3037:**

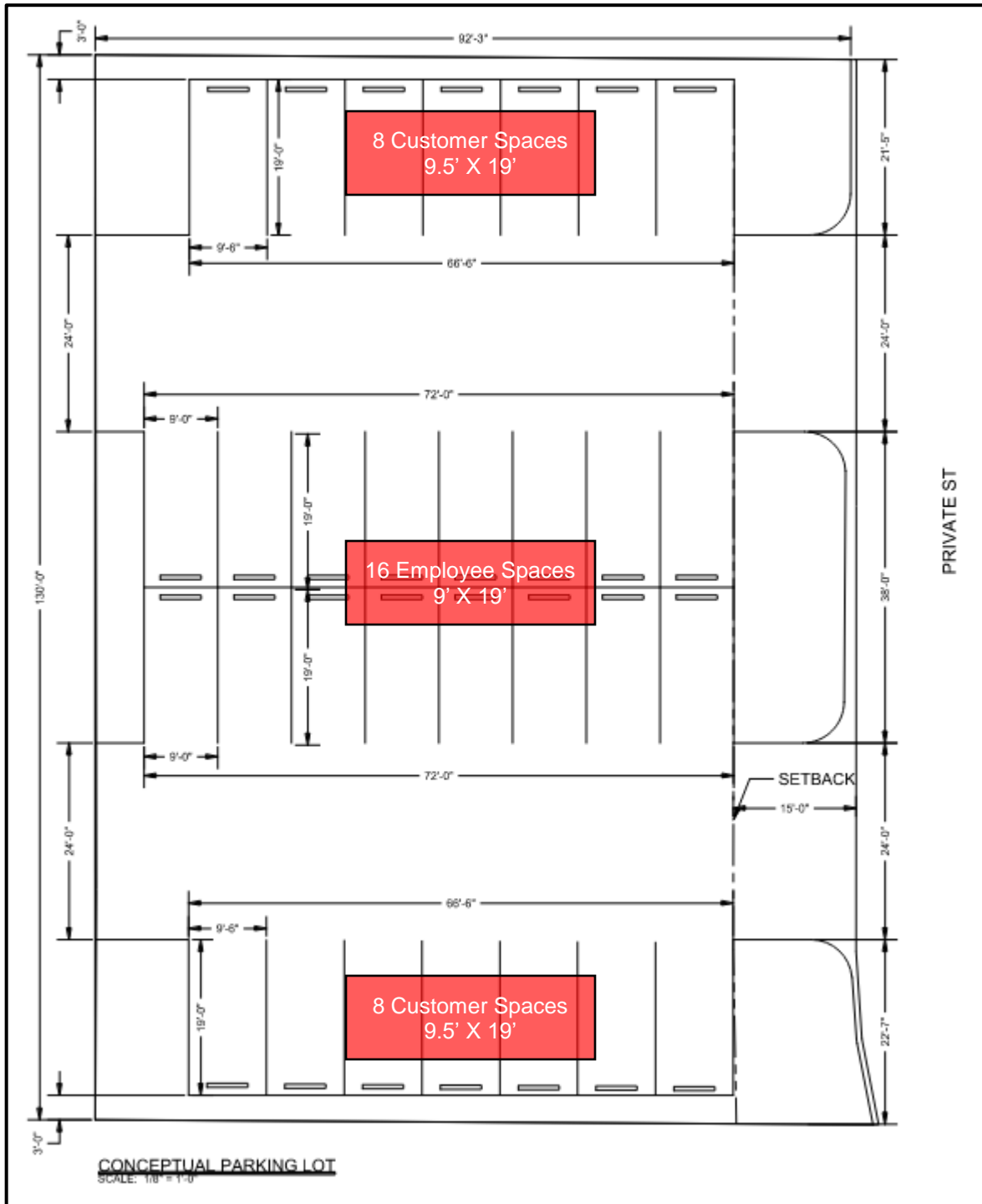
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.
3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.

**Community Planning: Richard Munguia, Senior Planner, (928) 373-5000, X3070**

4. Any substantial modification to the overall site design as represented on the site plan will require a public hearing and be subject to the approval of the Planning and Zoning Commission. A substantial modification to the site plan would include, but not necessarily be limited to, the relocation of vehicular access, the modification of storm water retention or the relocation of a building or structure.
5. Site shall meet all development standards for a parking lot.
6. The conditions listed above shall be completed within one (1) year of the effective date of the approval of the Conditional Use Permit or prior to the issuance of any Building Permit, Certificate of Occupancy or City of Yuma Business License for this property. In the event that the conditions are not completed within this time frame, the Conditional Use Permit shall be null and void.
7. In any case where a Conditional Use Permit has not been used within one year after the granting thereof, it shall be null and void.
8. Prior to the expiration date of the Conditional Use Permit, the applicant has the option to file for a one-year time extension.

**Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.**

# ATTACHMENT B SITE PLAN



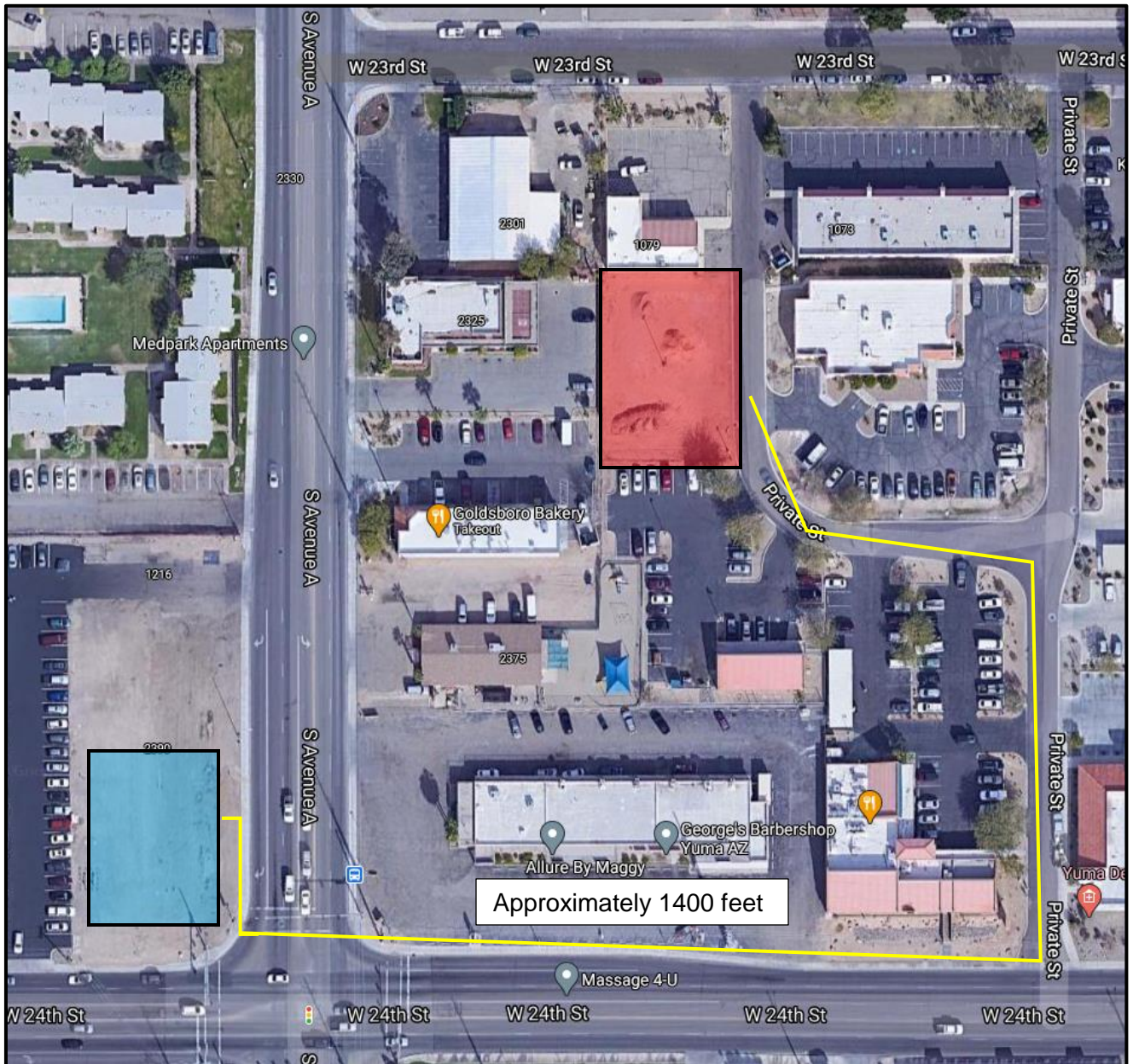
## ATTACHMENT C

### AGENCY NOTIFICATIONS

- Legal Ad Published: The Sun 01/01/2021
- 300' Vicinity Mailing: 12/07/2020
- 34 Commenting/Reviewing Agencies noticed: 12/10/2020
- Site Posted on: 02/01/2020
- Neighborhood Meeting: N/A
- Hearing Date: 02/08/2021
- Comments due: 12/21/2020

<b>External List (Comments)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Comment"</b>	<b>Written Comments</b>	<b>Comments Attached</b>
Yuma County Airport Authority	X	12/11/2020	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	X	12/11/2020	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	X	12/14/2020	X		
Yuma Irrigation District	X	12/15/2020	X		
Arizona Fish and Game	NR				
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration		12/11/2020	X		
<b>City of Yuma Internal List (Conditions)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Conditions"</b>	<b>Written Conditions</b>	<b>Comments Attached</b>
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	X	12/14/2020	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	X	12/15/2020	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

# ATTACHMENT D AERIAL PHOTO



Red – Proposed parking lot  
 Blue – Future building for parking lot  
 Yellow – Pedestrian path  
 Path is approximately 1400 feet one way